

REMARKS

The Official Action dated December 8, 2004, has been carefully reviewed and the foregoing amendment has been made in response thereto. Prior to entry of the foregoing amendment claims 1 through 29 were active in the present application. Claims 1 through 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by E-BUSINESS TERADATA @ACTIVE WAREHOUSE 2.0, INSTALLATION AND CUSTOMIZATION GUIDE, dated June 2000, and PR Newswire "NCR Expands E-Business Data Warehouse Offer", press release, 25 September 2000.

The foregoing amendment requests the cancellation of claims 1-12, 16-19 and 23-26. Claims 13, 14, 15, 20, 21, 22, 27, 28 and 29 have been amended to claim features first appearing in the 3.1 version of the E-Business Logical Data Model, which was released for sale in the second quarter of 2001.

Included with this response is a copy of the E-BUSINESS TERADATA @ACTIVE WAREHOUSE, INSTALLATION AND CUSTOMIZATION GUIDE, RELEASE 3.0, dated January 2001. No similar document is available for the 3.1 version of the logical data model.

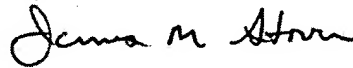
The 2.0 and 3.0 releases of the E-Business Teradata @ctive Warehouse were NCR Corporation confidential information products published for internal NCR Corporation use only. The intended audience for these documents was NCR Professional Services personnel for use in planning and executing customer engagements in the field. The documents are identified as confidential in the preface to the guides. The 2.0 and 3.0 releases of the E-Business Teradata @ctive Warehouse Installation and Customization Guides are provided not as publicly disclosed publications, but to illustrate the form and structure of the E-Business Teradata @ctive Warehouse and the E-Business logical data model as of June 2000 and January 2001, respectively.

The Supreme Court has stated that a statutory on-sale bar applies when two conditions are satisfied before a patent application's critical date: first: (1) the product including the invention which is the subject of the patent application must be the subject of a commercial sale or offer for sale, and (2) the invention must be ready for patenting. The September 25, 2000 press release represents an offer for sale as of that date, and the 2.0 and 3.0 releases of the E-Business Teradata @ctive Warehouse Installation and Customization Guides show the structure of the E-Business Logical Data Model as it was no later than June 2000 and January 2001, respectively.

As stated above, the claims remaining in the present application, as amended, are each believed to be directed to features first appearing in the 3.1 version of the E-Business Logical Data Model which was released for sale in the second quarter of 2001. Amended claims 14, 15, 21, 22, 28 and 29 are directed to features associated with the Profile Subject Area illustrated in Figures 12A through 12G of the present invention. Amended claims 13, 20 and 27 are directed to customer score features included in the Visitor Subject Area illustrated in Figures 18A through 18E of the present invention. The Profile Subject Area was not included in the 2.0 and 3.0 releases of the E-Business Logical Data Model. The customer score features included in the Visitor Subject Area were modified for the 3.1 release of the E-Business Logical Data Model.

In view of the foregoing amendments and remarks, it is believed that the application including claims 13, 14, 15, 20, 21, 22, 27, 28 and 29, as amended, is in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,



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